

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

RODNEY E. ROBERTS,

Plaintiff(s),

vs.

MICHAEL J. ASTRUE¹,
Commissioner of Social Security,

Defendant(s).

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Case No. 2:05CV80 JCH
(DDN)

ORDER

This matter arises on the Report and Recommendation of United States Magistrate Judge David D. Noce, filed February 27, 2007. See 28 U.S.C. §636. In his report, Magistrate Judge Noce recommends that the Court reverse the decision of the Commissioner, and remand this case for further proceedings. Neither party has filed objections to the Report and Recommendation.

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will reverse and remand this matter to the Commissioner for further administrative proceedings.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 25) is adopted and incorporated herein.

¹ Michael J. Astrue became Commissioner of Social Security on February 12, 2007. Pursuant to Federal Rule of Civil Procedure 25(d)(1), he is substituted for Former Commissioner Jo Anne B. Barnhart, as proper party defendant in this cause.

IT IS FURTHER ORDERED that this matter is reversed and remanded to the Commissioner under Sentence 4 of 42 U.S.C. § 405(g), for further proceedings consistent with the Magistrate Judge's Report and Recommendation and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 13th day of March, 2007.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE